

#432
BILL NO. Z-90-0516

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. E-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lots 2, 3, 4, 5, 6, 7, 9 and 10 and the south 200 feet
of Lot 8 in Pavey's Subdivision.

and the symbols of the City of Fort Wayne Zoning Map No. E-
2, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet L. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Quinto, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 5-22-90
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
PASSED _____ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 7297

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4-11 1990

RECEIVED FROM Proctor Realty Corp \$ 100.00

THE SUM OF one hundred + 00/100 DOLLARS

ON ACCOUNT OF regional
5905 + 5911 G. Illinois

#1070

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE _____

I/We Tim L. and Sandra A. Gratz, Michael E. and Rebecca A. Byerley, Merle L. Carter
DeWayne R. and Carol M. Fairchild, Melvin J. and Barbara B. Powell, M. Jack Powell Jr.
 (Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
 Indiana, by reclassifying from a/an B1-B/RA/R1 District to a/an B-3B
 District the property described as follows:

Lots 2,3,4,5,6,7,8,9, and 10 and ~~lot 8, the north 100 ft of the south 200 ft exc. street~~
OF ~~and~~ lot 8, the south 100 ft exc. street IN PAVEY'S SUBDIVISION

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
 percentum (51%) or more of the property described in this petition.

<u>SANDRA A. GRATZ</u>	<u>5125 POTOMAC, F.W.</u>	<u>Sandra A. Gratz</u>
<u>MELVIN J. POWELL JR</u>	<u>8721 Breakwater Dr.</u>	<u>M. J. Powell Jr.</u>
<u>MELVIN J. POWELL</u>	<u>2305 CANDLEWICK DR.</u>	<u>Melvin J. Powell</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
 (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>PAUL PERLER SR</u>	<u>1535 WOODMOOR, F.W.</u>	<u>432-6864</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
 and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street
 Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We _____ (Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an _____ District to a/an _____ District the property described as follows:

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

5905 and 5911 Illinois ROAD, Fort Wayne, Indiana 46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>DeWayne R Fairchild</u>	<u>7786 E State RD #14</u>	<u>DeWayne R Fairchild</u>
<u>CAROL M. FAIRCHILD</u>	<u>Columbia City IN 46725</u>	<u>Carol M. Fairchild</u>
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>Paul Parker Sr.</u>	<u>1535 Woodmoor, Ft Wayne,</u>	<u>219 432-6864</u>
_____ (Name)	_____ (Address & Zip Code) 46804	_____ (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

<u>BARBARA B. POWELL</u>	<u>2305 CANDLEWICK DR.</u>	<u><i>Barbara B. Powell</i></u>
<u>Tim L. Gratz</u>	<u>5125 Potomac</u>	<u><i>Tim L. Gratz</i></u>
<u>MICHAEL E. BYERLEY</u>	<u>902 E. Gump Rd.</u>	<u><i>Michael E. Byerley</i></u>
<u>REBECCA A. BYERLEY</u>	<u>902 E. Gump Rd.</u>	<u><i>Rebecca A. Byerley</i></u>
_____ (Name)	_____ (Address)	_____ (Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Legal Description of property to be rezoned.

Owners of Property

BARBARA B. POWELL

2305 CANDLEWICK DR.

Barbara B. Powell

MERLE A. CARTER

4726 W. COOK Rd

Merle A. Carter

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

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NOTICE:

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"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

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FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-05-16: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

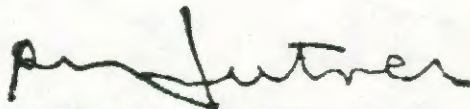
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 26, 1990.

Certified and signed this
27th day of November 1990.

A handwritten signature in dark ink, appearing to read "R. Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		
From R1/RA/B1B to B-3-B		

DETAILS

Specific Location and/or Address

Southeast corner of Getz Road & Illinois Rd

Reason for Project

Future commercial development.

Discussion (Including relationship to other Council actions)

21 May 1990 - Public Hearing

See Attached Minutes of Hearing

26 November 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by the petitioner.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This petition was originally given a "conditional approval" by the Commission at the June 4, 1990 Business Meeting of the Plan Commission. The petitioners have since resubmitted for a planned shopping center district that would encompass more land.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Paul Parker City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

<div></div>	<div>Policy or Program Change</div> <div> <input type="checkbox"/> No <input type="checkbox"/> Yes </div>
<div>Operational Impact Assessment</div>	

(This space for further discussion)

Project Start

Date 11 April 1990

Projected Completion or Occupancy

Date 27 November 1990

Fact Sheet Prepared by

Date 27 November 1990

Patricia Biancaniello

Reviewed by

Date 11-29-90

X. Nazzari

Reference or Case Number

Change of Zone #432
From R1/B1A/RA to B3B
5809 through 6011 Illinois Road

Joe McGibbon, representing Paul Parker the petitioner, appeared before the Commission. Mr. McGibbon stated that they originally were going to request the rezoning of Lot #4 only. He stated that after conversation with the staff it was determined that it would probably be better to take all of the land owners in on the request so that the commercial property would not be abutted by residential property. He stated that he got together with the majority of the property owners along Illinois Road and included them in the rezoning. He stated that at the current time they have no specific use for the property. He stated that they wanted to make sure that the property had some type of orderly zoning, and that they could as a group abide by the frontage road agreements. He stated that he has all of the signatures of the property owners on Illinois Road.

David Long questioned what they intend to put on the property.

Mr. McGibbon stated that they have none for the entire property but originally they intended to put some type of automotive maintenance facility on lot #4. He stated that none of the property on Illinois are owner occupied. He stated that all of the owners want the commercial zoning in order to sell for commercial uses.

David Long questioned if they had the consent of all of the property owners.

Mr. McGibbon stated that he had the consent of all the major property owners. He stated that all of the property owners from Lot #2 through Lot #7 on Illinois Road and Lot #9 and #10 on Getz Road. He stated the only people that have not been involved are the three small properties on Getz Road.

Mel Smith questioned if he had read the conditions placed by the staff.

Mr. McGibbon stated that he had but was unable to speak for all of the land owners because some were out of town. He stated that he has no problem with the conditions, but he could not speak for Mr. Parker. He stated the only question he had was if the Commission was requesting that the frontage road be constructed now or at the time of development of the property.

Wayne O'Brien, Planner II, with C&ED, stated that the suggestion of staff is that the frontage road be constructed within one (1) year of the time that the petition is approved.

Duane Bobeck, 3333 W Hamilton Road appeared before the Commission. Mr. Bobeck stated that he was representing Apple Glen Investors who's property lies 120 acres east of this site.

He stated he was asked by Jack Powell to speak, since Mr. Powell was out of town and unable to attend. He stated that they feel that this is commercial land but they would hope the Commission would allow this to be developed under a development plan that incorporates the area with as much quality as possible. He stated they feel it would increase the value of the land to be developed this way. He stated that he believes if it were to be developed as a series of small developments or buildings it would not be as attractive or of the same value, for anyone, as opposed to it being developed under an overall plan. Mr. Bobeck stated that Mr. Powell would like to be able to make some appearance before the Commission prior to the Business Meeting and make his feelings known personally.

Mr. McGibbon stated that he agrees with what Mr. Bobeck said. He stated that he would like to see it developed in some orderly fashion also. He stated that is why he put the whole package together and brought it before the Commission as one unit as opposed to twelve or thirteen different rezonings.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning request.

#432

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - C&ED

SYNOPSIS OF ORDINANCE

5809 through 6011 Illinois Road

2-90-05-16

EFFECT OF PASSAGE

Property is presently zoned R-1 - Single Family Residential;

B1B - Limited Business District and RA - Suburban Residential. Property will become B3B - General Business District.

EFFECT OF NON-PASSAGE

Property will remain R-1; B-1-B and RA Districts.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

BILL NO. Z-90-05-16

Withdrawn 7 REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: *12-11-90.*

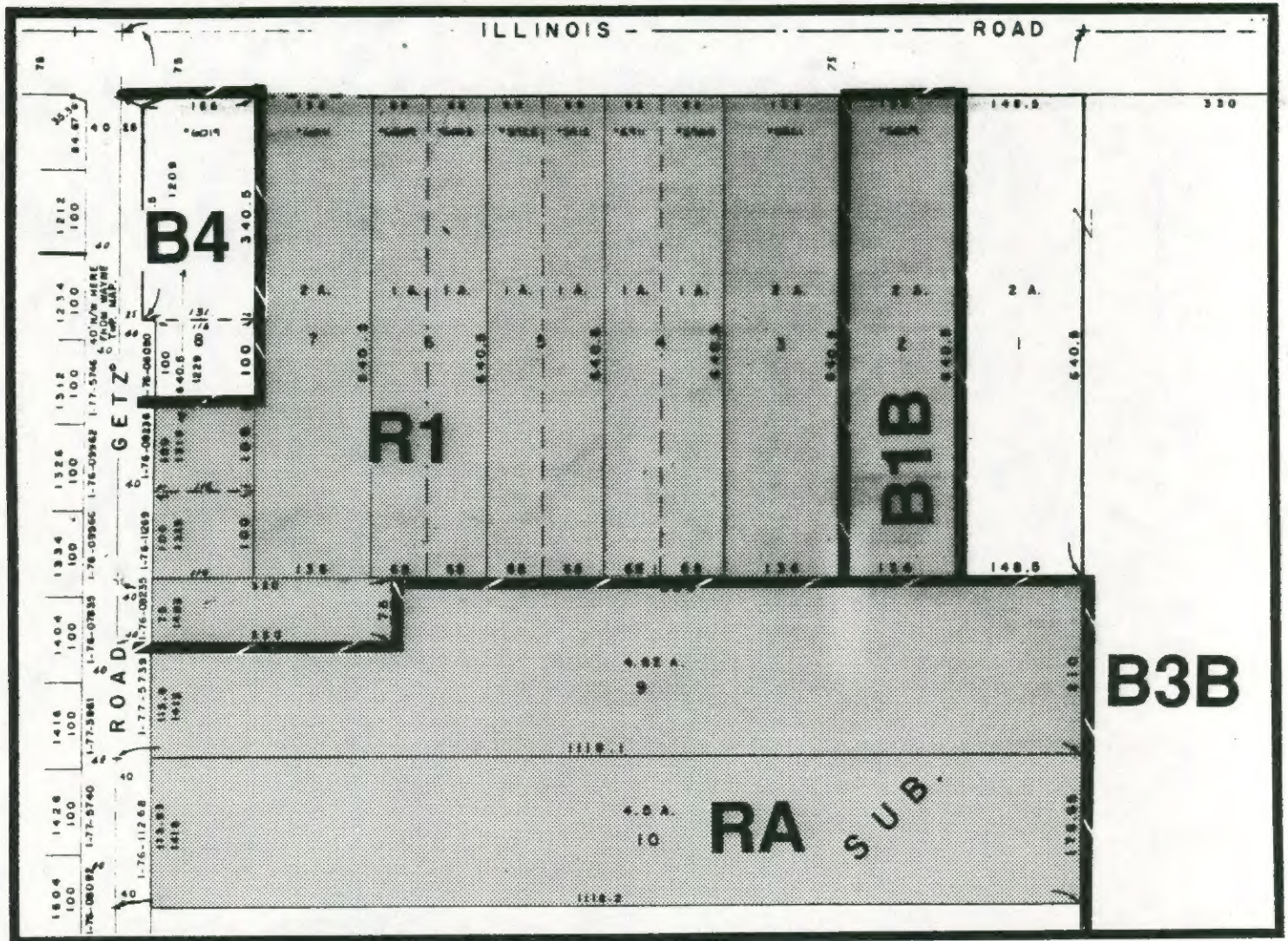
Sandra E. Kennedy
City Clerk

REZONING PETITION #432

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1, B1B & RA DISTRICT TO A B3B DISTRICT.

MAP NO. E-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

R1 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

RA RESIDENCE "A"

B3B GENERAL BUSINESS "B"

LAND USE:

☐ SINGLE FAMILY

☐ COMMERCIAL

SCALE: 1"=200'

LW

DATE: 4-26-90

